REMARKS/ARGUMENTS

In the Office Communication dated January 28, 2004 (Office Communication A), the Examiner asserted that the Amendment dated October 31, 2003 is non-responsive for not fully addressing: (a) the objections to Figs. 2 and 4 (item 2 of the Office Action dated July 31, 2003), (b) objections to the specification based on improper use of trademark (item 4 of the Office Action), and (c) not clearly pointing out the novelty of claims pursuant to 37 CFR § 1.111. These assertions were fully addressed in a Supplementary Amendment dated February 27, 2004 (Supplementary Amendment A). In the Office Communication B, the Examiner does not contend that these assertions (a, b and c) were not fully addressed. However, the Examiner has introduced new grounds for contending that the Amendment dated October 31, 2003 is non-responsive.

More particularly, the Examiner is now asserting in the Office Communication B that the (d) proposed drawing submitted in the original amendment dated October 31, 2003 was not submitted in compliance with 37 CFR §1.121(d). In addition, the Examiner is now asserting (e) that the rejection of original claim 22 (now cancelled) is not fully addressed because the Applicant respectfully requested that the subject matter previously presented in claim 22 (now cancelled) to be represented as a new claim 42 at Examiner's discretion. In the interest of expediting prosecution, claim 42 has been presented to the Examiner in order to give the Examiner another opportunity to address the subject matter on substantive grounds rather than dismissing it entirely merely based on use of a trademark name. The undersigned earnestly believed that the Examiner would take this opportunity to address the subject matter of claim 42 on substantive grounds to compensate for unnecessary delays caused as a result of issuing the first Office Communication (Office Communication A) which was fully traversed. The undersigned earnestly hopes that the Examiner will NOT further prejudice the Applicant and give the Applicant a fair opportunity to prosecute the application on its merits. Clearly, the objections raised by the Examiner as to form are not necessary for further consideration of the application (CFR § 1.111). In any case, the newly raised assertions (d and e) are fully addressed and fully traversed below.

Initially, it is respectfully submitted that the Applicant has addressed all the assertions (a-c above) that the Examiner raised in the first Office Action (Office

Communication A). Accordingly, it is respectfully submitted that the Amendment dated October 31, 2003 is fully responsive because all the issues which were raised by the Examiner were fully addressed. The Examiner had an opportunity to raise objections to the drawings (new issue d) in the first Office Communication (Office Communication A). It is respectfully submitted that the Examiner should not raise new issues, especially, when these issues could have been easily brought to the Applicant 's attention in the first Office Communication (Office Communication A). The fact that the newly raised is an object to form makes the delay in prosecution even more unnecessary.

Furthermore, it is respectfully submitted that the rejection of original Claim 22 (new issue e) has been fully addressed. Original Claim 22 was rejected solely for reciting the word "JavaServer™" based on the assertion that "JavaServer™" is used to "identify/describe specific programming components, and, accordingly, the identification/description is indefinite" (Office Action dated July 31, 2003, page 5). In the Supplemental Amendment A dated February 23, 2003, it was respectfully submitted that some specific programming languages or specific products are well known to those skilled in the art. Also, it was submitted that in some cases it may be inappropriate to use generic terminology if a product (e.g., JavaServer™) is primarily known to those skilled in the art by its trademark name (Supplemental Amendment A, dated February 23, 2003). Clearly, these arguments have addressed the Examiner's general allegation that use of a trademark is inappropriate per se.

It should also be noted that contrary to the Examiner's assertion (Office Action dated July 31, 2003, paragraph 6 on page 3), claim 42 (or original claim 22) do not recite the word "Boolean." Thus, the Examiner's objection to claim 42 (or original claim 22) for not having capitalized the word "boolean" cannot possibly be addressed in a meaningful way because claim 42 (or original claim 22) does NOT recite the word "Boolean". Accordingly, it is respectfully submitted that the Applicant has fully addressed that the Examiner's only point of contention, namely, the Examiner's assertion that use of a trademark name is indefinite per se.

In view of the foregoing, it is respectfully submitted that the Examiner's newly raised contentions (new issues d and e) are improper. Nevertheless, solely in order to expedite prosecution, a proposed drawing of Fig. 2 has been submitted again for the Examiner's approval. Again, it is respectfully submitted that the proposed drawing addresses all the objections raised by the Examiner (see, Amendment dated October

31, 2003 for full discussion). In addition, claim 42 has been amended so that it does NOT recite the trademark name "JavaServer™." Clearly, this amendment overcomes the Examiner's rejection under 35 U.S.C. § 112. Accordingly, it is respectfully submitted that claim 42 is in condition for early allowance.

A Notice of Allowance for the application is earnestly solicited form the Examiner. Alternatively, it is respectfully requested that the Examiner issue a substantive response in order to avoid further delay in the prosecution of this application. Furthermore, it is respectfully requested that the Examiner give the Applicant an opportunity to prosecute the application on its merits or an opportunity to argue the case before the Board of Appeals. Pursuant to CFR § 1.111, the Applicant respectfully requests that any objections or requirements as to form not necessary to further consideration of the claims to be held in abeyance until allowable subject matter is indicated. The Applicant makes this request in a bona fide attempt to advance the application to Final Action.

In addition to the amendments and arguments already submitted, it is respectfully submitted that Board of Appeals has set guidelines for assessing use of trademark language in a patent application. More particularly, the Board of Appeals has noted that a product on the market should be known generally to those skilled in the art and it be necessary to use the trade name; *Ex parte Frederick and Waterfall*, 75 USPQ 298 (Bd. Pat. App. & Int. 1947)). Again, it is respectfully submitted, the trademark names used by the Applicant (e.g., JavaServer™ page, Java™ programming language) represent product or programming languages that are well known in the art. Moreover, these product and programming languages are primarily known to those skilled in the art by their trademark name. Hence, the use of generic terminology may cause confusion and/or be an unreasonable burden on the Applicant. Accordingly, it is respectfully submitted that the Applicant should not be precluded from using these trademark names. In fact, the use of trademark names may allow the claimed invention to be more clearly defined. It is respectfully requested that the Examiner consider the guidelines set forth by the Board of Appeals.

Applicants hereby petition for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 500388 (Order No. SUN1P253). Should the Examiner believe that

a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
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